

REMARKS/ARGUMENTS

This case has been carefully reviewed and analyzed in view of the Final Official Action dated 27 September 2006. Responsive to the objections and rejections made in the Official Action, Claims 1, 11 and 12 have been amended to clarify the language thereof and/or the combination of elements which form the invention of the subject Patent Application. New Claim 13 has been added and Claims 4-10 were previously canceled.

In the Official Action, the Examiner objected to Claims 1-3, 11, and 12 due to informalities in Claims 1, 11 and 12. Accordingly, Claims 1, 11 and 12 have been amended to correct the informalities kindly noted by the Examiner. It is believed that the claims, as now amended, overcome the Examiner's objections.

In the Official Action, the Examiner rejected Claims 1-3, and 11 under 35 U.S.C. § 103(a), as being unpatentable over Shearer, et al., U.S. Patent Application Publication 2003/0224726, in view of Ng, et al., U.S. Patent Application Publication 2004/0254661. The examiner cites paragraphs of Shearer to support his contention that Shearer discloses a device configured as a cassette tape adapted for wireless communication with a blue tooth equipped cellular phone and a blue tooth equipped data processing device, the device having an earphone. The examiner considers Shearer as disclosing some elements of Claim 1 except for an MP3 personal storage device adapted for wireless communication with a blue tooth equipped cellular phone having a microphone. The examiner

further cites paragraphs of Ng to support the contention that Ng discloses an MP3 personal storage device having a microphone and adapted for wireless communication with a blue tooth equipped device. Claim 12 was rejected under 35 U.S.C. § 103(a), as being unpatentable over Shearer, et al. in view Ng, et al., and further in view of Luman, et al., U.S. Patent 6,981,259.

It is respectfully submitted that Shearer does not disclose a device with an earphone. Secondly, Shearer does not disclose a blue tooth device with a microphone, though it does disclose a blue tooth device with a hands-free function, and still achieves communication unidirectionally with the cellular phone. Shearer just discloses a blue tooth device for transferring the received audio of calls from the phone to a car's stereo sound system [0021]. In using Shearer's invention, the user still has to speak toward the microphone of the cellular phone, and listens to the call's sounds through the sound system of the car. Shearer neither discloses nor suggests application of an MP3 device with a blue tooth device, microphone, and earphone for processing a call from a cellular phone. As the referenced device lacks a microphone, it must also be devoid of an encoder to encode a voice signal and convert the voice signal's analog format to a digital format for cellular communication, as now claimed.

Ng discloses a wireless sound apparatus having an MP3 encoder/decoder/recorder IC. The wireless sound apparatus is only capable of picking up an MP3 formatted file by wireless transmission. Ng neither teaches

dealing with an incoming call, nor teaches communication with a cellular phone.

While Ng discloses incorporation of a microphone in the device where the voice signals are converted from an analog format to an MP3 digital format for wireless transmission to a device for storing the audio data as an MP3 file for subsequent playback, the reference fails to disclose or suggest an encoder to encode a voice signal and convert the voice signal's analog format to a digital format for cellular communication, as now claimed.

The microphone, earphone and signal processing module as defined in Claim 1 are, however, configured for dealing with both a voice transmission and an MP3 digital file. And the blue tooth module of Claim 1 is configured to communicate with a cellular phone and receive and send MP3 encoded data. The MP3 personal storage device of the present invention is configured to have duplex communication functions when it connects with the detachable blue tooth module. The MP3 personal storage device of the present invention can effectively handle communications with both a cellular phone and a remote electronic device.

At least the microphone, earphone, signal processing module and the blue tooth module of Claim 1 are not disclosed or suggested by Shearer or Ng. Therefore, the combination of Shearer and Ng cannot make obvious the invention of the subject Patent Application, as now claimed. Accordingly, Claim 1 should now be patentable over Shearer combined with Ng.

It is further respectfully submitted that Shearer and Ng are intended to solve different problems, and do not contemplate the problem solved by the instant invention, the subject invention can hardly be made obvious by simply considering Shearer in view of Ng. Absent Applicant's disclosure, there is no motivation for the combination of Shearer and Ng to solve the problem solved by the present invention.

Since Claims 2, 3, 11, 12 and 13 directly depend from Claim 1 and Claim 1 is patentable, as explained above, Claims 2, 3, 11, 12 and 13 should also be patentable.

CONCLUSION

For all of the foregoing reasons, it is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectfully requested.

Respectfully submitted,
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